

REMARKS

The last Office Action of April 6, 2007 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-9 are pending in the application. Claims 2, 4-6, 9 have been amended. Claim 1 has been canceled. No claim has been added. A total of 8 claims is now on file. No amendment to the specification has been made. No fee is due.

It is noted that the drawings are objected to because they are not proper for reproduction in black and white. New drawing sheets are submitted and labeled "Replacement Sheet", respectively, to more clearly show the subject matter of Figs. 1 and 2. Withdrawal of the objection to the drawing is thus respectfully requested.

It is further noted that the abstract is objected to because it is in improper form. Applicant has amended the abstract to conform to U.S. practice. Withdrawal of the objection to the abstract is thus respectfully requested.

Claim 9 is objected to because of informalities. Applicant has rewritten claim 9 to conform to U.S. practice. Withdrawal of the objection to claim 9 is thus respectfully requested.

Claims 1, 5-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 4,422,800 to Parish in view of U.S. Pat. No. 6,682,264 to McGillis.

Claims 1, 6-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 3,469,638 to Atkins et al. in view of McGillis.

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Parish or Atkins et al. in view of McGillis, and further in view of U.S. Pat. Appl. Publ. No. 2003/0076106 to Mercer.

It is noted with appreciation that claims 2 and 3 are indicated allowable if rewritten in independent to include all of the limitations of the base claim and any intervening claims.

For the purpose of expediting the patent application process in a manner consistent with the PRO's Patent Business Goals (PBG), 65 Fed. Reg. 54603 (September 8, 2000), applicant has canceled original claim 1 in favor of claim 2 which has been rewritten in independent form, as suggested by the Examiner, who indicated that originally filed claim 2 would be allowable if rewritten in independent form. Accordingly, applicant asserts that claim 2 has not been narrowed to trigger prosecution history estoppel. *See Salazar v. Procter & Gamble Co.*, 75 USPQ2d, 1369 (stating that introducing claim 7 based on the allowable subject matter of dependent claim 3 of the "149 application was not a narrowing amendment for purposes of patentability and, therefore, does not by itself give rise to prosecution history estoppel).

Claims 4, 5, 9 have been amended to make them dependent on claim 2.

Independent claim 6 has been amended to include the subject matter of original claim 2, and therefore should also be allowable.

Applicant has also carefully scrutinized the further cited prior art and finds it without any relevance to the claims on file. It is thus felt that no specific discussion thereof is necessary.

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels

that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

By: 

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